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Attorneys for the Arizona State Board of Pharmacy



8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of

10 **Robert Doherty**

11 Holder of Expired License No. S011860  
12 as a Pharmacist in the State of Arizona

Board Case No. 13-0002-PHR

**CONSENT AGREEMENT TO  
RENEW LICENSE WITH  
PROBATION**

14 **CONSENT AGREEMENT**

15 As Robert Doherty ("Applicant") has made application to the Arizona State Board  
16 of Pharmacy (the "Board") to renew his license as a pharmacist and, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Board under A.R.S.  
18 § 32-1901, *et. seq.*, Robert Doherty ("Applicant") holder of expired pharmacist license  
19 No. S011860 and the Board enter into the following Recitals, Findings of Fact,  
20 Conclusions of Law and Order ("Consent Agreement") for licensure with probation.

21 1. Applicant has read and understands this Consent Agreement and has had  
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
23 opportunity to discuss this Consent Agreement with an attorney.  
24  
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26

1           2.     By entering into this Consent Agreement, Applicant knowingly and  
2 voluntarily relinquishes all right to an administrative hearing, as well as rights of  
3 rehearing, review, reconsideration, appeal, judicial review or any other administrative  
4 and/or judicial action, concerning the matters set forth herein.

5           3.     Applicant affirmatively agrees that this Consent Agreement shall be  
6 irrevocable.

7           4.     Applicant acknowledges and agrees that, upon signing this Consent  
8 Agreement and returning this document to the Board's Executive Director, he may not  
9 revoke his acceptance of the Consent Agreement or make any modifications to the  
10 document regardless of whether the Consent Agreement has been signed by the  
11 Executive Director. Any modification to this original document is ineffective and void  
12 unless mutually agreed by the parties in writing.

13          5.     Applicant understands that the Consent Agreement shall not become  
14 effective unless and until approved by the Board and signed by the Board's Executive  
15 Director.

16          6.     If a court of competent jurisdiction rules that any part of this Consent  
17 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement  
18 shall remain in full force and effect.

19          7.     Applicant understands that this Consent Agreement is a public record that  
20 may be publicly disseminated as a formal action of the Board and may be reported as  
21 required by law to the National Practitioner Data Bank and the Healthcare Integrity and  
22 Protection Data Bank.

23          8.     Applicant understands that any violation of this Consent Agreement  
24 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § 32-  
25 1901.01(B) (20) and A.R.S. § 1927(A) (1).

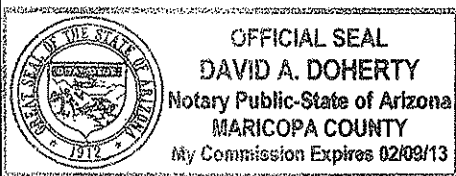
1           9.       Applicant agrees that the Board will adopt the following Findings of Fact,  
2 Conclusions of Law and Order.

3  
4 ACCEPTED AND AGREED BY APPLICANT

5 Robert Doherty  
6 Robert Doherty

Dated: 10-1-12

7 Subscribed and sworn to before me in the County of Maricopa, State of AZ,  
8 this 1 day of Oct, 2012, by Robert Doherty.



David A. Doherty  
12 NOTARY PUBLIC  
13 My Commission expires: 2-9-13

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**FINDINGS OF FACT**

1.       The Board is the duly constituted authority for licensing and regulating the  
practice of pharmacy in the State of Arizona.

2.       Applicant has applied to renew his expired license No. S011860 as a  
pharmacist in the State of Arizona.

3.       On February 12, 2008, Applicant's Colorado pharmacist license was  
disciplined pursuant to a Stipulation and Final Agency Order in Iowa Case No. 2007-  
000768 for theft of drugs from his employer and chemical dependency.

4.       The February 12, 2008 Colorado Pharmacy Board Stipulation and Final  
Agency Order suspended Applicant's Colorado pharmacy license and placed it on  
probation for a period of seven (7) years, required that he participate in an approved Peer  
Assistance Services program and required that he complete additional hours of  
continuing education.

1           5.     Applicant is currently licensed as a pharmacist in Colorado.

2           6.     At the Board's September 19-20, 2012 Board Meeting, the Board voted to  
3 renew Applicant's license subject to certain conditions.

4                               **CONCLUSIONS OF LAW**

5           1.     The Board possesses jurisdiction over the subject matter and over Applicant  
6 pursuant to A.R.S. § 32-1901 *et seq.*

7           2.     The Board, having weighed all of the above factors and determined to its  
8 satisfaction that, despite Applicant's conduct in Colorado in violation of A.R.S. § 32-  
9 1901.01 (B) (2), (8), (10) and (16) and the discipline ordered by the Colorado Board of  
10 Pharmacy, Applicant currently meets the requirements for licensure under A.R.S. § 32-  
11 1922, subject to the terms of this Consent Agreement.

12                               **ORDER**

13           Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY  
14 ORDERED AS FOLLOWS:

15           1.     Applicant's license to practice pharmacy in the State of Arizona will be  
16 renewed after Applicant takes and passes the Pharmacist Assessment for Remediation  
17 Evaluation;

18           2.     Applicant's license will be immediately placed on PROBATION for a  
19 period of five (5) years from the effective date of the renewal of the pharmacist license.  
20 During the term of PROBATION, Applicant shall complete the following terms and  
21 conditions:

22                   a.     Within thirty (30) days of the effective date of the renewal of the  
23 pharmacist license Applicant shall enter a five (5) year agreement with the  
24 Pharmacists Assisting Pharmacists Program (PAPA) and comply with the terms  
25 and conditions of that agreement throughout his term of probation.  
26

1           b.     No sooner than five (5) years from the beginning of Applicant's  
2 probationary period, Applicant shall request in writing that the Board terminate his  
3 probation. Applicant's request for termination will be considered at a regularly  
4 scheduled Board meeting. Applicant is required to personally appear at that Board  
5 meeting. Applicant's probationary period will continue until Applicant's request  
6 for termination is received and the Board terminated the probation.

7           c.     Applicant shall pay all necessary fees and complete all Continuing  
8 Education requirements throughout the term of his probation to maintain his  
9 Arizona pharmacist license.

10          d.     Applicant shall furnish all pharmacy employers with a copy of this  
11 Board Order throughout the term of his probation.

12          e.     Applicant shall not serve as a preceptor pharmacist or pharmacist in  
13 charge throughout the term of his probation.

14          f.     Applicant shall advise the Board immediately of any change in  
15 pharmacy employment status throughout the term of his probation.

16          g.     Applicant shall furnish the Board with a list of all jurisdictions in  
17 which he maintains or has maintained licensure in the profession of pharmacy  
18 along with the registration numbers of said licenses.

19          h.     Applicant shall obey all federal and state laws and rules governing  
20 the practice of pharmacy.

21          i.     If Applicant violates this order in any way or fails to fulfill the  
22 requirements of this order, the Board, after giving the respondent notice and the  
23 opportunity to be heard, may revoke, suspend or take other disciplinary actions  
24 against the Respondent's license. The issue at such a hearing will be limited  
25 solely to whether this order has been violated.  
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1  
2 DATED this 04 day of October, 2012.

3  
4 ARIZONA STATE BOARD OF PHARMACY

5  
6 (Seal)

7 By: 

8 HAL WAND, R.Ph.  
Executive Director

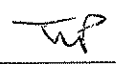
9 ORIGINAL OF THE FORGOING FILED  
10 this 04 day of October, 2012, with:

11 Arizona State Board of Pharmacy  
12 1616 W. Adams Street  
Phoenix, Arizona 85007

13 EXECUTED COPY OF THE FOREGOING MAILED  
14 this 04 day of October, 2012, to:

15 Robert Doherty  
2411 E. Beryl Avenue  
16 Phoenix, Arizona 85028

17 Montgomery Lee  
Assistant Attorney General  
18 1275 W. Washington Street, CIV/LES  
Phoenix, Arizona 85007  
19 Attorneys for the State of Arizona

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21 \_\_\_\_\_  
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